



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

NICOLETTE PELLEGRINO
Assistant Corporation Counsel
Phone: (212) 356-2338
Fax: (212) 356-3509
Email: npellegr@law.nyc.gov

REQUEST TO FILE UNDER SEAL

March 23, 2022

VIA E.C.F.

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Christopher Hiram Cano v. City of New York, et al.,
19 Civ. 1640 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York, New York City Health and Hospitals, New York City Department of Correction (“DOC”) Captains Charles and Robinson, and DOC Officers Chisolm and Santiago (collectively, “Defendants”) in the above-referenced matter.¹ Defendants write to respectfully request that the Defendants be permitted to file their anticipated March 23, 2022 letter response to Plaintiff’s recent letters under seal because it discusses information that has been protected from disclosure by the Court’s September 26, 2019 Stipulation of Confidentiality and Protective Order (hereinafter, “Protective Order”) and also concerns other private and/or confidential matters concerning Plaintiff. (See Dkt. No. 37 at ¶ 2(f).)

By way of background, on March 15, 2022, Plaintiff filed two letters on the electronic docket. (See Dkt. Nos. 140, 141.) On March 16, 2022, the Court directed Defendants to “file a response to Plaintiff’s letters as they pertain to this case and include a statement of Defendants’ position on whether the stay in this case should be lifted and the reason.” (Dkt. No. 142.)

¹ Upon information and belief, DOC Officer Murray has not been served with process and, thus, is not yet a proper party to this action.

However, the contents of the Defendants' anticipated March 23, 2022 letter response concerns the Plaintiff's custody status and refers to other letters that have been filed under seal. Thus, certain disclosure on the public docket may violate HIPAA and Plaintiff's privacy rights.

Accordingly, the Defendants' anticipated filing contains confidential information, and the Defendants respectfully request the Court's permission to file the Defendants' anticipated March 23, 2022 letter under seal.²

The Defendants thank the Court for its consideration.

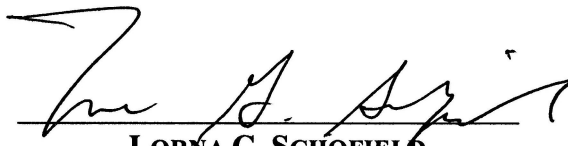
Respectfully submitted,

/s/ Nicolette Pellegrino
Nicolette Pellegrino
Assistant Corporation Counsel
Special Federal Litigation Division

CC: VIA FIRST CLASS MAIL³
Christopher Hiram Cano
Book & Case No. 8952100260
George R. Vierno Center
09-09 Hazen Street
Bronx, New York 11370

The application to seal is **GRANTED**. The letter at Docket No. 144 shall remain under seal. Only Christopher Hiram Cano, Nicolette Pellegrino, the City of New York, the New York City Health and Hospitals Corporation, Correctional Officers Chisolm, Santiago, Murray, and Captains Robinson and Charles shall have access to the letter at Docket No. 144 and subsequently filed status letters. Having shown good cause, Defendants' application to maintain the stay is **GRANTED**. The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff and to close the motion at Docket 143.

Dated: March 25, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

² The Defendants will file their anticipated March 23, 2022 letter response under seal through the ECF system subsequent to filing their instant request.

³ Upon information and belief, Plaintiff is currently being housed at the George R. Vierno Center.